



NOBLE HOSPITAL

115 W. Silver Street  
P.O. Box 1634  
Westfield, MA  
01086-1634

PATIENT: MULLER, DONALD P  
MED. REC. #: 084611  
ACCOUNT #: 30315549  
DATE: 11/27/92

## EMERGENCY ROOM REPORT

EXHIBIT I

\* HISTORY: A 31-year-old male brought by ambulance handcuffed and four point restraints on. Scoop stretcher. Stated to have been sprayed in the face with Mace by his wife. Stated that he cut his own self with a knife on the abdomen. Complaining of burning of his face. Apparently he has had no tetanus immunization for several years.

EXAM: His vital signs are stable and normal. There is mild erythema of his face. Lungs clear to auscultation. Heart regular rhythm, no murmurs. Chest negative. Abdomen is soft. No organomegaly or masses. No guarding or rebound. Bowel sounds active and normal throughout. There is a 4 cm. laceration in the left upper quadrant, into fat but not suspected to be into peritoneum by this examiner. There is also a very small laceration on the occipital scalp not requiring a suture. No other sign of injuries.

TREATMENT: Cold packs applied to face. Dressing applied to the abdomen. Patient given DT 0.5 cc. IM. Cross table portable lateral x-ray of abdomen shows no obvious free air in the abdomen. Shows the abdominal soft tissue laceration not extending to the peritoneum. Reading is by this examiner. The patient is referred to Dr. Lagac, the surgeon on call, who came, evaluated the patient, left small laceration of scalp open, closed the abdominal wound. Dressing was applied. The patient is then discharged in police custody under arrest. If over the next few days while he is in police custody he requests or states any suicidal ideation he will be seen by Crisis. If necessary he will be returned to the Emergency Room for such evaluation.

\* DIAGNOSIS: SELF-INFLICTED 4 CM. LACERATION OF THE LEFT ABDOMEN INTO FAT.  
SMALL LACERATION OF SCALP.  
FIRST DEGREE FACIAL BURN FROM MACE.

CODE 3 (X-RAY)

\_\_\_\_\_  
JAMES D ANDERSON, MD

JA/HM

DD: 11/27/92

DT: 12/04/92

CC: 4

**CONFIDENTIAL**

Page 1

NOT TO BE REPRODUCED WITHOUT  
WRITTEN CONSENT BY PATIENT OR  
EMPOWERED REPRESENTATIVE  
(Rev. 6/92)

16.

## ARREST - CUSTODY REPORT

☒ ARREST BOOKING REPORT  
☐ PROTECTIVE CUSTODY REPORT

NAME (LAST, FIRST, MIDDLE)

Muller, Donald P

ALIAS

MIDEN NAME

RESIDENCE ADDRESS: NO. STREET

33 Broad St Apt 11

SEX

M

F

BUILD

M20

DATE OF BIRTH

06/10/61

PLACE OF BIRTH

Nykork

OTHER DESCRIPTIVE INFORMATION

SOCIAL SECURITY #

010-52-3330

OPER. LIC. # &amp; STATE

FATHER'S NAME

John

MOTHER'S MAIDEN NAME

Cea (Charetov)

OCCUPATION

EMPLOYER/SCHOOL

SPOUSE'S NAME (MAIDEN)

AUN

MARRIED

SEPARATED

SINGLE

DIVORCED

I have been advised of my rights to remain silent, to use a phone, to call a lawyer or have one provided &amp; to have my own physician test for alcohol.

THE ABOVE RIGHTS ADVISED BY:

DATE &amp; TIME

PHONE USED

YES

NO

PERSONAL VALUABLES

SWATERS, Belt, Comb

I HAVE RECEIVED THE ABOVE PROPERTY

Sign:

SEARCHED BY

REPORTING OFFICER

PH. J. Torres

BAIL COMMISSIONER

DATE &amp; TIME

RELATION

COMPLAINANT

ASSTG OFF.

COPIES: BLK-BLUE

BRO-BROWN

GRY-GRAY

RED-RED

SUT-SANDY

WHI-WHITE

17.

Police Department

EXHIBIT  
NO.3

No. 27 of 35

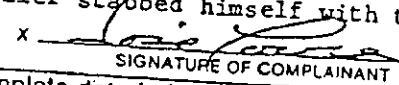
|  |   |  |  |  |   |
|--|---|--|--|--|---|
| APPLICATION<br><input checked="" type="checkbox"/> ADULT<br><input type="checkbox"/> JUVENILE  |   | NUMBER   |  | Trial Court of Massachusetts<br>District Court Department  |   |
| ARREST <input type="checkbox"/> HEARING <input type="checkbox"/> SUMMONS <input type="checkbox"/> WARRANT <input type="checkbox"/>   |   | The within named complainant requests that a complaint issue against the within named defendant, charging said defendant with the offense(s) listed below. |  |  |   |
| DATE OF APPLICATION<br>11/27/92  | DATE OF OFFENSE<br>11/27/92   | PLACE OF OFFENSE<br>Westfield  |  | <div style="border: 2px solid black; padding: 5px; display: inline-block;">EXHIBIT<br/>NO.4</div> <div style="margin-top: 10px;">Westfield District Court<br/>25 Washington Street<br/>Westfield, MA 01085</div> |   |
| NAME OF COMPLAINANT<br>Off. Jose Torres  |   | NO.  |  |  |   |
| ADDRESS AND ZIP CODE OF COMPLAINANT<br>Westfield Police Dept.<br>15 Washington St.,<br>Wfld., Ma.  |   | OFFENSE  |  | G.L. Ch. and Se  |   |
| NAME, ADDRESS AND ZIP CODE OF DEFENDANT<br>Donald Muller<br>33 Broad St. Apt. 11<br>Westfield, Ma.   |   | 1. Assault with a Dangerous<br>Weapon in Violation of 209A   |  | 265 S15A   |   |
|  |   | 2.   |  |  |   |
|  |   | 3.   |  |  |   |
|  |   | 4.   |  |  |   |
| COURT USE ONLY →   | A hearing upon this complaint application will be held at the above court address on  |  | DATE OF HEARING                              | TIME OF HEARING  | COURT USE ONLY ←  |
| <b>CASE PARTICULARS — BE SPECIFIC</b>  |   |  |  |  |   |
| NO.  | NAME OF VICTIM<br>Owner of property,<br>person assaulted, etc.  | DESCRIPTION OF PROPERTY<br>Goods stolen, what<br>destroyed, etc.   | VALUE OR PROPERTY<br>Over or under<br>\$250. | TYPE OF CONTROLLED<br>SUBSTANCE OR WEAPON<br>Marijuana, gun, etc.  |   |
| 1  | Ann Muller  |  |  |  |   |
| 2  | 33 Broad St. Apt. 11<br>Westfield, Ma.  |  |  |  |   |
| 3  | (wife of defendant)   |  |  |  |   |
| 4  |   |  |  |  |   |
| OTHER REMARKS: Victim reported that her husband came home drunk and when he is drunk becomes aggressive and paranoid. She felt threatened by him and when she called the station he ripped the phone off the wall and smashed it to the floor. He grabbed a knife and pipe and refused to let her open the door when the police arrived. <del>XXX</del> She stated she was afraid of what he was going to do with the knife. When the police forced our way in Mr. Muller stabbed himself with the knife he was holding. |   |  |  |  |   |
| <b>DEFENDANT IDENTIFICATION INFORMATION — Complete data below if known.</b>  |   |  |  |  |   |
| DATE OF BIRTH<br>06/10/61  | PLACE OF BIRTH<br>Holyoke, Ma.  | SOCIAL SECURITY NUMBER<br>010-52-3550  | SEX<br>M                                     | RACE<br>W  | SIGNATURE OF COMPLAINANT<br> |
| OCCUPATION<br>Unemployed   | EMPLOYER/SCHOOL<br>-----  | MOTHER'S NAME (MAIDEN)<br>Ceal Chartrum  | HEIGHT<br>5'8"                               | WEIGHT<br>160  | EYES<br>Bro.  |
|  |   | FATHER'S NAME<br>John Muller   |  |  |   |
| <b>COURT USE ONLY</b>  |   |  |  |  |   |
| DATE   | DISPOSITION   |  |  |  | AUTHORIZED BY   |
|  | NO PROCESS TO ISSUE<br><input type="checkbox"/> At request of complainant<br><input type="checkbox"/> Complainant failed to prosecute<br><input type="checkbox"/> Insufficient evidence having been presented |  |  |  |   |
|  | PROCESS TO ISSUE<br><input type="checkbox"/> Sufficient evidence presented<br><input type="checkbox"/> Defendant failed to appear   |  |  |  |   |
|  | TYPE OF PROCESS<br><input type="checkbox"/> Warrant<br><input type="checkbox"/> Summons returnable  |  |  |  |   |
| <input type="checkbox"/> Continued to _____  |   |  |  |  |   |
| COMMENTS   |   |  |  |  |   |

EXHIBIT 4A

§ 15A

CRIMES AGAINST THE PERSON

C. 265

§ 15A. Assault and Battery with Dangerous Weapon.

(a) Whoever commits assault and battery upon a person sixty-five years or older by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

Whoever, after having been convicted of the crime of assault and battery upon a person sixty-five years or older, by means of a dangerous weapon, commits a second or subsequent such crime, shall be punished by imprisonment for not less than two years. Said sentence shall not be reduced until two years of said sentence have been served nor shall the person convicted be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served two years of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution; or the administrator of a county correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relating to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection.

(b) Whoever commits assault and battery upon another by means of a dangerous weapon shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

181

460.

C. 265

ANNOTATED LAWS OF MASSACHUSETTS

§ 15A

History—

1927, 187, § 1; 1981, 678, § 1.

EXHIBIT 4B

§ 15B

CRIMES AGAINST THE PERSON

C. 265

## § 15B. Assault by Means of a Dangerous Weapon.

(a) Whoever, by means of a dangerous weapon, commits an assault upon a person sixty-five years or older, shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand dollars or imprisonment in jail for not more than two and one-half years.

Whoever, after having been convicted of the crime of assault upon a person sixty-five years or older, by means of a dangerous weapon, commits a second or subsequent such crime, shall be punished by imprisonment for not less than two years. Said sentence shall not be reduced until one year of said sentence has been served nor shall the person convicted be eligible for probation, parole, furlough, work release or receive any deduction from his sentence for good conduct until he shall have served one year of such sentence; provided, however, that the commissioner of correction may, on the recommendation of the warden, superintendent, or other person in charge of a correctional institution, or the administrator of a county correctional institution, grant to said offender a temporary release in the custody of an officer of such institution for the following purposes only: to attend the funeral of next of kin or spouse; to visit a critically ill close relative or spouse; or to obtain emergency medical services unavailable at said institution. The provisions of section eighty-seven of chapter two hundred and seventy-six relative to the power of the court to place certain offenders on probation shall not apply to any person seventeen years of age or over charged with a violation of this subsection.

For the purposes of prosecution, a conviction obtained under subsection (a) of section fifteen A or paragraph (a) of section 18 shall count as a prior criminal conviction for the purpose of prosecution and sentencing as a second or subsequent conviction.

(b) Whoever, by means of a dangerous weapon, commits an assault upon another shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than one thousand

dollars or imprisonment in jail for not more than two and one-half years.

## History—

1955, 112; 1981, 678, § 2.



COUNT FOUR CAUSE OF ACTION

22. Plaintiff was detained in custody at the Westfield Police Station while defendants (WESTFIELD POLICE OFFICERS) [u]sed their [p]ersonal and [o]fficial capacities to perform acts which contributed to the furtherance of the ongoing conspiracy to violate Plaintiff's federal constitutional rights, by:

- (1) PREPARING an "ARREST/CUSTODY REPORT" dated 11/27/92, stating FALSE STATEMENTS "treated for self-inflicted knife wounds" "OFFENSES ASSAULT W/DANG. WEAPON IN VIOLATION 209A"; MGL,c.265,§15B SGT. BEEDE,Lt.MILLER" "\$500.00 bail"  
[EXHIBIT NO.2. )
- (2)"POLICE OFFICER'S INCIDENT REPORT"  
11/27/92 209-A ARREST (stating FALSE REPORTS:  
"VICTIM WIFE" "WEAPON-KNIFE/PIPE" "DOMESTIC VIOLENCE - YES" "REPORTING OFFICER,JOSE TORRES".  
[EXHIBIT NO.3.)
- (3) "WESTFIELD DISTRICT COURT- APPLICATION FOR COMPLAINT"  
11/27/92, "OFFENSE,ASSAULT WITH A DANGEROUS WEAPON IN VIOLATION OF 209A- MGL,c.265,§15A"  
"NAME OF VICTIM - ANN MULLER" "OTHER REMARKS:"  
(FALSE STATEMENTS):"WHEN THE POLICE FORCED OUR WAY IN MR. MULLER STABBED HIMSELF WITH THE KNIFE HE WAS HOLDING," AND OTHER FALSE STATEMENTS.  
[EXHIBIT NO.4. )
- (4) "SUMMONS AND COMPLAINT Docket No.9244 CR 1978"  
"OFFENSE CODE 620; COUNT OFFENSE(a) ASSAULT BY

DANGEROUS WEAPON C265 §15B(C.209a)

"DID, BY MEANS OF A DANGEROUS WEAPON, KNIFE,  
ASSAULT ANN MULLER, IN VIOLATION OF GENERAL  
LAW, CHAPTER 265, §15B."

23. Plaintiff claims that the DISTRICT COURT CRIMINAL  
COMPLAINT AND ACCOMPANYING DOCUMENT failed to meet the  
LEGISLATIVE STANDARDS OF AUTHENTICATION, and were VOID ON  
THEIR FACES: See: MASS.GEN.LAW, Chapter 218, §4, §44.

[EXHIBIT NO.5. and EXHIBIT NO.6.].

24. The DISTRICT COURT had Plaintiff appear in court on  
TUESDAY, DECEMBER 1, 1992 at 8:30 A.M. and while being held  
under arraignment he was told that he was being committed  
to SOUTHEASTERN CORRECTIONAL CENTER/ADDICTION CENTER PRO-  
GRAM UNIT for 30 DAYS.

(1) STAFF-MEMBER (name un-readable) wrote in the  
SECC/ACPU records depicting Plaintiff as "IT",  
rather than a HUMAN BEING/PERSON! [EXHIBIT J.]

(2) Plaintiff was DISCHARGED on 12/29/92 and  
TRANSPORTED TO HAMPDEN COUNTY JAIL at LUDLOW,  
MASS. where he was held in custody for approxi-  
mately 8 days, and released on BAIL.

COUNT FIVE  
CAUSE OF ACTION

25. On MAY 21, 1993 Plaintiff appeared at the HOLYOKE  
DISTRICT COURT where HE WAS PROSECUTED on (FALSE) charges of  
"ASSAULT BY A DANGEROUS WEAPON Chap.265 §15B (Chap.209A)," whereupon he was FOUND NOT GUILTY, BY A JURY OF HIS PEERS.



**SUMMONS  
AND COMPLAINT**DOCKET NUMBER  
**9244 CR 1978**

COURT DIVISION

**Westfield**

NAME, ADDRESS AND ZIP CODE OF DEFENDANT

**Donald P. Muller  
33 Broad St. #11  
Westfield, MA****010-52-3550****EXHIBIT****NO.5****Trial Court of Massachusetts  
District Court Department**

TO THE DEFENDANT HEREIN:

The within named and undersigned complainant or half of the Commonwealth, on oath complains that on the date and at the location stated herein the defendant did commit the offense(s) listed below.

You are ordered to appear in this court on the return date and at the time noted herein to answer to a criminal complaint charging you with the offense(s) listed below. Please report to the probation office upon your arrival at the court. The court address is noted at the bottom of this form.

**DATE AND TIME  
YOU MUST  
APPEAR IN COURT**

DEF. DOB AND SEX

**6/10/61 (M)**

OFFENSE CODE(S)

**620**

DATE OF OFFENSE

**11/27/92**

PLACE OF OFFENSE

**Broad St., Westfield**

COMPLAINANT

**Kenneth Kent**

POLICE DEPARTMENT (if applicable)

**Westfield**

DATE OF COMPLAINT

**11/30/92**

RETURN DATE AND TIME

**Tues. Dec. 1, 1992 at 8:30 a.m.**

COUNT-OFFENSE

**a. ASSAULT BY DANGEROUS WEAPON C265 S15B (C.209a)**

did, by means of a dangerous weapon, knife, assault Ann Muller, in violation of G.L. c.265, s.15B.

COUNT-OFFENSE

COUNT-OFFENSE

COUNT-OFFENSE

24.

COMPLAINANT

**Kenneth Kent**

SWORN TO BEFORE CLERK, MAGISTRATE/ASST. CLERK

**X [Signature]**

ON (DATE)

**11/30/92**☐ ADDITIONAL  
COUNTS  
ATTACHED

WITNESS:

FIRST JUSTICE

**Philip A. Contant**

COURT ADDRESS

**25 Washington Street  
Westfield, MA 01085****YOUR TRIAL WILL  
BE HELD AT THIS  
COURT ADDRESS**ESTA ES UNA NOTIFICACIÓN OFICIAL DE LA CORTE. SI USTED  
NO ENTIENDE EL INGLÉS, OBTENGA TRADUCCIÓN.



C. 218 ANNOTATED LAWS OF MASSACHUSETTS

§ 3

#### § 4. Courts of Record and Superior Jurisdiction; Seal.

District courts shall be courts of record. They shall be courts of superior and general jurisdiction with reference to all cases and matters in which they have jurisdiction, and no order, decree, judgment, sentence, warrant, writ or process made, issued or pronounced by them need set out any adjudication or circumstances with greater particularity than would be required in other courts of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings of such courts as would be made in favor of proceedings of other courts of superior and general jurisdiction. Each district court shall have a seal, which shall be in the custody of its clerk, and shall be affixed to all processes issued by such court requiring a seal. (1853, 179, § 3; 1855, 270, § 5; GS 116, § 26; PS 154, § 30; 1893, 396, § 58; 1894, 431; RL 160, § 6; 1909, 219, § 1; 1911, 473, § 1; 1916, 174, § 2.)

#### § 44. Process, Formal Requisites; To Run Throughout Commonwealth.

Processes issuing from district courts shall be under the seal of the court, signed by the clerk or an assistant clerk or temporary clerk or temporary assistant clerk, and shall bear teste of the justice, or, in the Boston municipal court department, the administrative justice, unless he is a party or unless his office is vacant, and in such cases they shall bear teste of the special justice who holds the senior commission or the senior associate justice. The process, civil or criminal, of a district court shall run throughout the commonwealth for service in any case or proceeding within its jurisdiction. (1822, 12; RS 85, § 17; 87, § 12; 1855, 270, § 5; 428, § 7; 1857, 264, § 8; GS 116, § 26; 120, § 4; PS 154, § 30; 155, § 15; 1888, 415; 1893, 396, §§ 15, 64; 1894, 431; RL 160, §§ 22, 46; 1912, 649, § 1; 1916, 174, § 1; 1978, 478, § 201.)

#### Editorial Note—

The 1978 amendment, as part of the program to consolidate the several courts of trial jurisdiction, substituted the term "administrative" justice for "chief" justice, referring to the Boston Municipal Court.

SOUTHEASTERN CORRECTIONAL CENTER/ADDICTION CENTER PROGRAM UNIT  
DISCHARGE SUMMARY

EXHIBIT J

Name: Donald Muller

Number 101777 D.O.B.: 6/18/61

Commitment Date: 12/1/92

Discharge Date: 12/22/92

Committed From: Westfield

District Court

I. Adjustment/Program Summary

A. Program Evaluation: at has completed one program

B. Overall Adjustment: at has adjusted well. He hasn't had any problems

II. Discharge Plan

A. Placement Arranged At: at has asked for placement  
(Name of Facility)

(Contact Person) (Address)

(Additional Comments)

B. Address Upon Release: 33 Broad St. Apt 11  
Westfield,

C. Transportation Arrangements: shirley off

III. After-Care Recommendations:

I would recommend that Donald go to AA meetings and  
sub admission to individual or group therapy. If he  
follows these recommendations his prognosis is good.

Client: Donald Muller

S/A Therapist: Henry Plonk

S.F.R. Director:

S/C Unit Manager:

Date: 12-22-92

Date: 12/22/92

Date: \_\_\_\_\_

Date: \_\_\_\_\_

PRODSCH: UM  
AS/sjc

NCCI LAW LIBRARY

26.

26. After the trial, Plaintiffs wife (then: ANN MULLER) did approach him, outside of the courtroom, and stated to him: "I was forced to testify against you." She was referring to the testimony she gave during trial, saying that I had waived the knife in front of her. She was crying, and said that she was sorry. COUNT SIX CAUSE OF ACTION

27. Plaintiff claims that defendants TORRES, O'BRIEN, COACH, McCABE and SAMATARO had inflicted CRUEL AND UNUSUAL PUNISHMENT UPON HIM, with DELIBERATE INDIFFERENCE, causing Plaintiff to suffer SEVERE PAIN AND MENTAL ANGUISH, from being denied prompt and proper medical care and treatment to the injuries resulting from the POLICE INTENTIONALLY CAUSING THE STAB WOUND IN PLAINTIFF'S ABDOMEN; POLICE INTENTIONALLY ASSAULTING PLAINTIFF WITH CHEMICAL MACE, INFLECTING FIRST DEGREE BURNS TO PLAINTIFF'S FACE AND UPPER BODY; CAUSING PLAINTIFF TO SUFFER THE ONGOING AGONIES OF MENTAL SHOCK, NIGHTMARES AND FLASH-BACKS, PSYCHOLOGICAL INJURIES, PUBLIC HUMILIATION AND EMBARRASSMENT AND LOSS OF SLEEP.

28. Defendants acted intentionally to maim and assault Plaintiff, putting him in grave fear of his life, Defendants shown and demonstrated a gross abuse of OFFICIAL POWERS, causing Plaintiff to suffer irretrievable psychological damages.

COUNT SEVEN CAUSE OF ACTION

29. PLAINTIFF claims, as was shown in the HOLYOKE DISTRICT COURT, as to the chain of events on NOVEMBER 27, 1992, before JUDGE AND JURY, THE TRUE FACTS OF THE MATTER WERE THAT THE WESTFIELD POLICE DEFENDANTS, ON THE SCENE OF THIS DISTURBANCE CALL, CAUSED PLAINTIFF TO BE INJURED. [ EXHIBIT NO. 7. ]
30. ANN MULLER never stated at anytime, including her statement "OF MY OWN FREE WILL", at the police station, that Plaintiff HAD assaulted her nor was the phone smashed. Other MIS-INFORMATION given to the defendants (Westfield Police Officers,) by Plaintiff's wife, stating "HE TOOK THE PHONE AWAY FROM ME AND SMASHED IT ON THE GROUND."
31. Plaintiff claims that this phone had NOT BEEN SMASHED ON THE GROUND, at time of trial, the true fact was, that after ANN MULLER had called "911" Plaintiff asked for and received the phone, this to tell "911" that "THERE WAS NO NEED TO SEND ANYBODY, WE WERE JUST HAVING A MINOR ARGUMENT." The dispatcher, defendants WESTFIELD POLICE OFFICER, defendant SANATARO, stated "THAT MULLER HAD CALLED THE STATION AND LEFT THE PHONE OFF THE HOOK, AND THEY WERE ABLE TO HEAR WHAT MULLER WAS SAYING IN THE APARTMENT." See, hereinabove, [ EXHIBITS K and EXHIBIT A. ]
32. Plaintiff claims that the defendants WESTFIELD POLICE STATION, and defendant police officers, named hereinabove, did perform acts in the furtherance of the conspiracy, to commit acts of SUBORDINATION OF PERJURY by using Plaintiff's wife to testify prevarications, in an effort to procure a guilty-verdict against Plaintiff, in blatant violation of his Federal Constitutional rights. Defendants scam FAILED; the jury acquitted him.

SEE REVERSE SIDE FOR DOCKET ENTRIES OF MOTIONS, CASE NOTES AND OTHER ACTIONS



EXHIBIT K

WESTFIELD POLICE DEPARTMENT  
15 WASHINGTON STREET  
WESTFIELD, MA 01085

I ANN MULLER I'AM AT THE WESTFIELD POLICE DEPARTMENT GIVING OFFICER TORRES A STATEMENT OF MY OWN FREE WILL. ON 11/27/92 I CAME HOME FROM A MEETING AND FOUND DON HOME PLAYING HIS ELECTRIC GUITAR AND DRINKING BEER. HE LEFT ABOUT 4 P.M. TO HELP IS BROTHER MOVE. I TOLD HIM IF HE WAS GOING TO DRINK NOT TO COME HOME BECAUSE WHEN HE DRINKS HE GETS PARANOID AND BECOMES AGGRESSIVE AND I GET SCARED BECAUSE HE THREATENS TO KILL HIMSELF TONIGHT WHEN I TOLD HIM NOT TO DRINK AROUND ME. HE SAID HE HAD THE RIGHT TO DRINK AND STARTED GETTING OBNOXIOUS I WENT TO PUT THE T.V. ON AND HE UNPLUGGED IT. I DECIDED TO CALLED THE POLICE BECAUSE HE WAS GETTING ME UPSET AND WHEN I DID HE TOOK THE PHONE AWAY FROM ME AND SMASHED IT ON THE GROUND. WHEN THE POLICE CAME HE WOULDN'T OPEN THE DOOR. HE HAD A PIPE IN ONE HAND AND A KNIFE IN THE OTHER. THE POLICE ASKED ME TO OPEN THE DOOR AND I YELL I COULDN'T BECAUSE HE HAD A PIPE AND A KNIFE. I DIDN'T KNOW WHAT HE WAS GOING TO DO WITH THE KNIFE AND I WAS AFRAID TO GO TO THE DOOR. THE POLICE TOLD HIM IF HE DIDN'T OPEN THE DOOR THEY WOULD BREAK IT DOWN. DONALD TOLD THE POLICE THAT IF THEY CAME IN HE WAS GOING TO HURT HIMSELF AND HELD THE KNIFE BY THE HANDLE WITH THE BLADE TOWARDS HIM. ONCE THE POLICE BROKE THE DOOR DOWN, I SAW THE KNIFE GO TOWARD HIS STOMACH AND THEN HE RAN TOWARDS THE KITCHEN AND DROPPED IT ON THE FLOOR AND THE POLICE HELD HIM DOWN. I PICKED UP THE PHONE AND THE POLICE WAS STILL THERE. I ASKED FOR AN AMBULANCE AND THEY TOLD ME WAS ON IT'S WAY. THEN I HANDED THE PHONE TO THE POLICE OFFICER.

Ann Muller 11/27/92

Defendants, [all named] hereinabove did knowingly and intentionally committed violations of Plaintiff's ESTABLISHED federal constitutional rights, privileges and immunities, and Federal and State STATUTORY LAW(S) and FEDERAL SUPREME COURT; COURTS OF APPEALS and prior U.S. DISTRICT COURT decisions relevant to each claim and CAUSES OF ACTIONS, complained of within this CIVIL RIGHTS COMPLAINT, proving the prima facie violation of Plaintiff's federal Constitutional rights.

PLAINTIFF'S PRAYER AND DEMANDS FOR RELIEF

wherefore, the Plaintiff, DONALD R. MULLER, pro se do hereby respectfully request and demands, that this Honorable Court, grant him, the following relief;

1. Issue declaratory and injunctive relief on all claims and issues Plaintiff has presented hereinabove in this federal civil complaint.
2. That this Court AWARD, in monetary amounts, of THREE MILLION DOLLARS (\$3,000,000.00) in compensatory damages to be paid by the defendants, to the Plaintiff.
3. That this Court AWARD in monetary amounts of ONE MILLION FIVE HUNDRED THOUSAND DOLLARS (\$1,500,000.00) in punitive damages to be paid by the defendants, to the plaintiff.

4. That this Court Grant the Plaintiff a jury trial on all claims and issue triable, which are guaranteed by Plaintiff's SEVENTH AMENDMENT U.S. CONSTITUTIONAL rights.

5. That this Court Grant the Plaintiff the rights and opportunity to AMEND this Civil Complaint with additional claims and causes of actions whenever such issues are revealed to him by the defendants, and/or others.

Date: 9-7-04

I, DONALD P. MULLER, do hereby  
state under the pains and penalty  
of perjury, that all facts stated  
hereinabove are true to the best  
of my knowledge and belief.

Donald P. Muller

DONALD P. MULLER pro se

769 WORTHINGTON STREET

SPRINGFIELD MASS. 01105

(413) 132-3069-shutter

## EXHIBIT B

| Number ____ of 35 | Identifying Term           | Complaint Page No. | Plaintiff Identifier |
|-------------------|----------------------------|--------------------|----------------------|
| 1.                | Answer                     | 1                  | 8                    |
| 2.                | 2 <sup>nd</sup> page of 1  | 2                  | None                 |
| 3.                | Jan. 22, 1997 letter       | 3                  | None                 |
| 4.                | G.L. c. 260, sec. 12       | 4.                 | 8                    |
| 5.                | Complaint Torres           | None               | None                 |
| 6.                | Complaint OBrien           | None               | None                 |
| 7.                | Complaint McCabe           | None               | None                 |
| 8.                | Complaint Coach            | None               | None                 |
| 9.                | Complaint Samataro         | None               | None                 |
| 10.               | Jurisdiction               | 1 (a)              | None                 |
| 11.               | Title 42 sec. 1983         | 2                  | None                 |
| 12.               | Title 42 sec. 1985         | 3                  | None                 |
| 13.               | Title 28 sec. 1343         | 4                  | None                 |
| 14.               | Title 28 sec. 2201         | 5                  | None                 |
| 15.               | 11/27/92 narrative         | 3                  | A                    |
| 16.               | 2 <sup>nd</sup> page of 15 | 4                  | A                    |
| 17.               | Diagram                    | 7                  | U                    |
| 18.               | Diagram                    | 8                  | V                    |
| 19.               | Diagram                    | 9                  | W                    |
| 20.               | Diagram                    | 10                 | X                    |

| Number ____ of 35 | Identifying Term           | Complaint Page No. | Plaintiff Identifier |
|-------------------|----------------------------|--------------------|----------------------|
| 21.               | Diagram                    | 11                 | Y                    |
| 22.               | Diagram                    | 12                 | Z                    |
| 23.               | Clinical Record            | 14                 | H                    |
| 24.               | 2 <sup>nd</sup> page of 23 | 15                 | H                    |
| 25.               | Emergency Room             | 16                 | I                    |
| 26.               | Arrest Report              | 17                 | 2                    |
| 27.               | Incident Report            | 18                 | 3                    |
| 28.               | Application                | 19                 | 4                    |
| 29                | G.L. c. 265 sec. 15A       | 20                 | 4A                   |
| 30.               | G.L. c. 265 sec 15B        | 21                 | 4B                   |
| 31.               | Summons                    | 24                 | 5                    |
| 32.               | G.L. c. 218 sec 4          | 25                 | 6                    |
| 33.               | Discharge summary          | 26                 | J                    |
| 34.               | Case file history          | 29                 | 7                    |
| 35.               | Narrative                  | 30                 | K                    |